

State of South Dakota

NINETIETH SESSION LEGISLATIVE ASSEMBLY, 2015

923W0090

SENATE BILL NO. _____

Introduced by: _____

1 FOR AN ACT ENTITLED, An Act to establish a technical assistance program for counties in
2 matters relating to drainage regulation.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF SOUTH DAKOTA:

4 Section 1. That § 46A-10A-7 be amended to read as follows:

5 46A-10A-7. Any unit of state government may offer such technical assistance as it is able
6 to any board or commission requesting such assistance. However, such technical assistance,
7 including assistance provided pursuant to section 2 of this Act, may not include granting a
8 permit, settling a dispute, accepting a plan, establishing a coordinated drainage area, or
9 performing any other decision function relegated to boards or commissions under the provisions
10 of this chapter and chapter 46A-11. A unit of state government providing technical assistance
11 may require reasonable reimbursement for its expenses. The provisions of this section do not
12 prohibit the Water Management Board from taking action or providing assistance pursuant to
13 the provisions of this section and §§ 46A-10A-9.1 to 46A-10A-9.5, inclusive.

14 Section 2. That chapter 46A-10A be amended by adding thereto a NEW SECTION to read
15 as follows:

16 The Department of Environment and Natural Resources shall establish a program to provide



1 technical and scientific assistance to counties and county drainage commissions on matters
2 relating to the regulation of drainage activity and to the powers and duties assigned to counties
3 under the provisions of this chapter. The assistance program shall address improved drainage
4 and water management practices and systems that will enhance crop production, conserve water,
5 and reduce adverse off-site water quality and quantity impacts or reduce any potential negative
6 impacts of drainage activity. The department may provide assistance directly or may refer the
7 county to additional sources of assistance and expertise, including governmental, private, and
8 academic entities. In establishing and operating the program, the department may cooperate with
9 South Dakota State University Extension and other appropriate entities. The program shall
10 provide coordination of technical, educational, and extension materials and shall inform the
11 counties of program features and the procedures to follow in making use of the program. The
12 department may require reimbursement by the county for any expenses incident to advice and
13 assistance provided directly to the county by the department.

14 Section 3. That § 46A-10A-64 be repealed.

15 ~~46A-10A-64. If so requested, the Department of Environment and Natural Resources may~~
16 ~~render such assistance and advice to the board in regard to the project as the assigned duties of~~
17 ~~the department will permit. The department shall be reimbursed by the board for any expenses~~
18 ~~incident to the advice and assistance.~~